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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,721	11/21/2003	Wen-Chi Chien	24061.501	9530
42717 7590 02/05/2007 HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER SHECHTMAN, SEAN P	
			ART UNIT	PAPER NUMBER
			2125	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/719,721

Applicant(s)

CHIEN, WEN-CHI

Examiner

Sean P. Shechtman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 6-17 and 86-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 86-101 is/are rejected.
- 7) ☐ Claim(s) 2-4 and 6-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 2-4, 6-17, and 86-101 are presented for examination. Claims 2 and 6 have been amended. Claims 1, 5, and 18-85 have been cancelled. Claims

#### *Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 86-101 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,444,632 to Kline et al (hereinafter referred to as Kline).

Referring to claims 86 and 101, Kline teaches a method of selecting a selected product lot to be processed in a first piece of manufacturing equipment from a plurality of product lots ready for processing in the first piece of manufacturing equipment (whole document, especially Col. 17, lines 34-64), the method comprising:

for each product lot in the plurality of product lots ready for processing, calculating a ranking factor (Col. 17, lines 62-64), the calculating comprising:

determining a first magnitude of processing to be done; determining a second magnitude of production capacity; and computing the ranking factor as a ratio of the first magnitude to the second magnitude (Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51, for example %CAP of C5 & C4 = 100% because the machine has a 48 wafer capacity, C5 has 24 wafers and C4 has 24 wafers, therefore  $100 * ((24 + 24) / 48) = 100\%$  and by reference to a point calculating graph such as that shown in Fig. 11 returns a ranking factor of 4.8 points);  
determining a highest priority ranking factor (Col. 13-14, lines 21-51, for example lot C1 and

C2); and designating a product lot of the plurality of product lots with the highest priority ranking factor as the selected product lot (Col. 14, lines 10-14, picking the winner).

87. The method of claim 86 wherein the calculating further comprises identifying a piece of manufacturing equipment that will process the product lot subsequent to processing of the product lot by the piece of manufacturing equipment (Col. 17 lines 34-35).

88. The method of claim 87 wherein the first magnitude is a count of product lots ready for processing in the second piece of manufacturing equipment (Col. 17 lines 34-35; Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51).

89. The method of claim 87 wherein the second magnitude is a function of: a count of machines of a type of the second piece of manufacturing equipment; an average number of product lots that a machine of the type of the second piece of manufacturing equipment is capable of processing; and an efficiency factor for the second piece of manufacturing equipment (Col. 17 lines 34-35; Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51,).

90. The method of claim 87 wherein one or more product lots ready for processing in the second piece of manufacturing equipment will be subsequently processed by a third piece of manufacturing equipment and the first magnitude is a sum of: a count of product lots ready for processing in the second piece of manufacturing equipment that will be subsequently processed by the third piece of manufacturing equipment; a count of product lots in processing by the second piece of manufacturing equipment that will be subsequently processed by the third piece of manufacturing equipment; a count of product lots ready for processing in the third piece of

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manufacturing equipment (Col. 17 lines 34-35; Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51,).

91. The method of claim 87 wherein one or more product lots ready for processing in the second piece of manufacturing equipment will be subsequently processed by a third piece of manufacturing equipment, and the second magnitude is a function of: a count of machines of a type of the third piece of manufacturing equipment; an average number of product lots that a machine of the type of the third piece of manufacturing equipment is capable of processing; and an efficiency factor for the third piece of manufacturing equipment (Col. 17 lines 34-35; Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51,).

92. The method of claim 87 wherein the calculating further comprises: determining if the second piece of equipment is of a first type; and if the second piece of equipment is not of the first type, assigning the ranking factor a first priority level (Col. 14, lines 50-57; Col. 13-14, lines 63- Col. 15-16, end of table).

93. The method of claim 92 wherein the first type is critical (Col. 14, lines 50-56).

94. The method of claim 92 wherein the first priority level is zero (Col. 15, for example, SWB = 0).

95. The method of claim 87 wherein one or more product lots ready for processing in the second piece of manufacturing equipment will be subsequently processed by a third piece of manufacturing equipment, and the calculating further comprises: determining if the third piece of equipment is of a type; and if the third piece of equipment is not of the type, assigning the ranking factor a priority level (Col. 14, lines 50-57; Col. 13-14, lines 63- Col. 15-16, end of table).

96. The method of claim 95 wherein the type is critical (Col. 14, lines 50-56).

97. The method of claim 95 wherein the priority level is zero (Col. 15, for example, SWB = 0).

98. The method of claim 86 wherein the product lots are substrates for integrated circuits (Col. 1, lines 29-35).

99. The method of claim 86 wherein the first piece of manufacturing equipment is a piece of integrated circuit processing equipment (Col. 1, lines 29-35).

100. The method of claim 99 wherein the piece of integrated circuit processing equipment is one out of a group consisting of a furnace and a substrate cleaning machine (Col. 8, lines 10-34; Col. 4, lines 34-45).

***Allowable Subject Matter***

3. Claims 2-4, 6-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Neither Collins nor the prior art of record, taken either alone or in obvious combination disclose method, system, apparatus, and medium for dispatching of at least one product lot for processing to manufacturing equipment within processing stages of a manufacturing line, having all the claimed features of applicant's instant invention, specifically including the calculation of the priority factor using formulae of claims 2 or 6 in combination with the limitations that if groups of first following pieces of manufacturing equipment have a criticality factor of a first level, said priority factor has a first priority level, and if groups of first following pieces of manufacturing equipment are of a first type and if groups of second following pieces of manufacturing equipment are of a second type, said priority factor has a second priority level.

***Response to Arguments***

4. Applicant's arguments filed January 9<sup>th</sup> 2007 have been fully considered but they are not persuasive.

Applicant argues that Kline fails to teach determining a first magnitude of processing to be done; determining a second magnitude of production capacity; and computing the ranking factor as a ratio of the first magnitude to the second magnitude. The examiner respectfully disagrees. Page 4, paragraph 2 of the Office action mailed November 9<sup>th</sup> 2006 clearly sets forth where the Kline reference teaches these limitations. Applicants' arguments completely ignore portions of the Kline reference cited in the Office action mailed November 9<sup>th</sup> 2006, and fail to address the specific interpretations laid out in Office action mailed November 9<sup>th</sup> 2006.

Kline clearly teaches determining a first magnitude of processing to be done (24 wafers and 24 wafers); determining a second magnitude of production capacity (48 wafer capacity); and computing the ranking factor (4.8 is a ranking factor or  $(24 + 24)/48$  is a factor of a ranking factor and therefore is also a ranking factor) as a ratio of the first magnitude to the second magnitude in Col. 9, line 66 – Col. 10, line 3; Col. 12, line 39-40; Col. 13-14, lines 21-51, because, for example %CAP of C5 & C4 = 100% because the machine has a 48 wafer capacity, C5 has 24 wafers and C4 has 24 wafers, therefore  $100 * ((24 + 24)/48) = 100\%$  and by reference to a point calculating graph such as that shown in Fig. 11 returns a ranking factor of 4.8 points (See page 4, paragraph 2 of the Office action mailed November 9<sup>th</sup> 2006).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

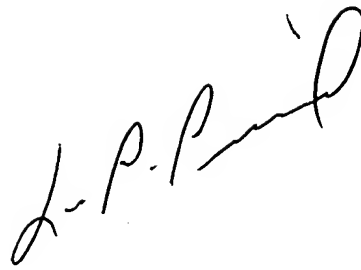
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SPS

Sean P. Shechtman

January 30, 2007

**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**